Special: **Better "Rules" Won't End The Witch Hunt, See Page Two**

I. F. Stone's Weekly

VOL. 2, NUMBER 7 MARCH 8, 1954 WASHINGTON, D. C. 15 CENTS

McCarthy Insists On Splitting The G.O.P.

The key to the situation developing in Washington is that, though the Eisenhower Administration wants desperately to appease McCarthy, McCarthy does not want to be appeased.

The statement made by the President at his press conference last week was so cautiously, even queasily worded, that it seemed at first glance ignominious. The President had never seen any member of Congress guilty of disrespect toward the public servants appearing before it. He was certain that no one in the government wanted to have his utterances interpreted as questioning the debt we owe the officers and enlisted men of the army. He did, indeed, specifically include General Zwicker in that tribute but he said not one single word to which McCarthy needed to take offense. The statement was designed to save the President's face with his subordinates in the government and the Army and with the decent people in his party aroused by the Stevens affair. But it was also framed to avoid a direct conflict with McCarthy.

It Almost Looked Like Another Crawl

Indeed the first reaction among the reporters streaming out of the most heavily attended press conference Eisenhower has held was one of disgust and disappointment. It looked as if the President had backed away from a fight. The weak answer he gave when asked about McCarthy's attack on Dulles in the McLeod affair made it seem to many present that he was joining Stevens in a crawl, and that the State Department could expect as little real support as the Army had been given last week when the chips were down.

It was the bold effrontery with which McCarthy immediately reacted that put the President's statement in a new light. *McCarthy was insisting on a fight. He declined to leave the* President any way out. He was demanding abject surrender or a fight which would split the Republican Party wide open. For while Eisenhower defended the loyalty of the Army, McCarthy was now charging that Peress had been the "sacred cow of certain Army brass"—this implied a conspiracy to shield a Communist. Where Eisenhower had praised Zwicker, McCarthy called him "a stupid, arrogant or witless man." The words McCarthy used—"the fact that he might be a General"—*must have seemed a warning to Eisenhower himself.*

The most remarkable event of the day was when McCarthy late in the afternoon "relented" and sent out a message that he wished to delete the word "now" from the cheeky sentence which said, "Apparently the President and I now agree on the necessity of getting rid of Communists." McCarthy's nerve commands admiration. Who else would have the brass, after being criticized in the Stevens affair by papers as far right as the *Chicago Tribune* and his own doggedly faithful *Washington Times-Herald,* to claim that he was the victim of an unprecedented mud-slinging campaign "by extreme left wing elements of press and radio?" This is a redoutable *gambler, playing for the highest stakes. His match is not* yet visible.

Does McCarthy Prefer A G.O.P. Defeat in '54?

What is McCarthy's strategy? His own party had been looking to him as its main card in the Fall elections. The political strategists of the Administration, Dewey and Brownell, have shown themselves as unscrupulous as McCarthy; Eisenhower has twinges, but overcomes them easily, as was evident from his cowardice on the issue of General Marshall during the campaign. It looked as if McCarthy could have exercised a position of leadership within the party. Did he decide that he did not want to carry the ball for the Eisenhower Administration? Did he feel that with a recession underway the Republicans were bound to be defeated this year anyway? Does he prefer a fight with Eisenhower which can make it possible for him to place the blame for an electoral defeat on the Eisenhower-Dewey conservative Eastern leadership? Does he want to clear his skirts of conservative fiscal policies so he can play a social demagogue's role in a depression? Does he dream of breaking up the old parties and emerging with a movement of his own?

The situation has its advantages for the fight against Fascism in America. During the past year a series of events have finally begun to bring home the meaning of the witch hunt to wide sections of the American people. Earlier only a fringe of radicals and intellectuals had been affected. The Oxnam hearing and the J. B. Matthews charges awakened Protestants to the danger; Brownell's Harry White charges showed the Democrats that they were the ultimate target; the shameful inflation of "security" risk discharges by the Administration angered several million government employes and their families; McCarthy's cruel bullying of Mrs. Annie Lee Moss and her respected Negro lawyer has aroused the Negro community; the Peress affair has antagonized the Army and the conservatives. Though the leadership is weak and compromised, the terrain McCarthy has chosen for battle is advantageous. For the first time the possibility of a broad front against Fascism is beginning to shape up in America. This is the hopeful side of a week's events that literally threaten the very foundations of the Republic, making it seem quite possible that McCarthy (like Hitler) may one day "legally" assume power in America.

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Feeble and Evasive Stuff

The Javits Bill: Reforming the Rules of The Witch Hunt

Congressman Jacob K. Javits of New York is the only liberal Republican in the House. The sincerity of his opposition to the witch hunt cannot be questioned. But the concurrent resolution he introduced last week to correct the evils of McCarthyism embodies a popular and dangerous fallacy. This, as the Congressman himself expressed it in the New York Times Sunday Magazine of February 28, is that "the problem is not the need for investigations, but the methods."

This is a popular view because it facilitates evasion. It makes unnecessary any frontal and fundamental attack on the witch hunters. It would be a pity if the current revulsion against McCarthyism were detoured into support of legislation reforming the rules and reorganizing the committees. Senators Morse and Lehman have long advocated similar measures. These promise no real relief, as analysis of the Javits bill will show.

The "Reformers" Would Be Picked by Nixon

Concurrent Resolution 202, as introduced in the House last week by Javits, would substitute a new joint committee of fourteen members for the existing witch hunt committees. But there is no assurance that the membership would be any better, or indeed much different from, the existing committees. The seven from the Senate would be appointed by its President, i.e. by Vice President Nixon, from the Senate Judiciary Committee. This is the committee of Jenner and McCarran. Both as ranking members of the committee and of its Internal Security subcommittee would certainly be on the new joint committee. The House Judiciary Committee, from which Speaker Martin would choose seven members, is not quite as reactionary as the Senate's, but its chairman, Reed, is almost as bad as Jenner. The shakeup in personnel might (temporarily) get rid of McCarthy and Velde but their successors—especially on the Senate side—would not be much better.

There would be four Republicans and three Democrats named to the joint committee from each house. Eight of the 14 would constitute a quorum. There is no provision requiring that any majority decision to be binding contain one or more votes from the minority party. A Republican majority would dominate the joint committee. Since this is the party of Brownell and Jenner as well as Velde and McCarthy, it would be foolish to expect much from it.

With few exceptions all the rights and safeguards set forth in the bill would depend on this majority. Majority approval would be required for the issuance of subpoenas, formal interrogations, the holding of executive sessions, the release of secret testimony, and the issuance of reports. There has been no difficulty in mustering such a majority when needed on the Jenner, Velde and McCarthy committees.

At The Mercy of a G.O.P. Majority

A witness would not be allowed to have counsel at executive hearings if the majority decided otherwise. A witness would have the right to file a supplementary statement, but a majority could keep it from the record as irrelevant. Anyone named adversely at a hearing would have the right to testify and to produce witnesses in his own behalf—unless the majority decided otherwise.

Questions could be submitted by the aggrieved person to hostile witnesses "unless the committee by a majority vote shall determine otherwise." No derogatory information could be circulated on the committee's letterhead against individuals or organizations "except as the committee by a majority vote shall so determine." This is a good point at which to recall that the majority of the House Un-American Activities Committee never did back down from the circulation of false and defamatory material against Bishop Oxnam.

The only rights conferred by the Javits resolution which would not be subject to the majority are rights witnesses in practice already have: the right to counsel at public hearings, the right to know the subject under inquiry, the right to file a sworn statement rebutting unfavorable testimony, the right to shut off radio and television coverage, the right to buy a copy of the transcript. This last right is not extended by the Javits resolution to executive hearings unless this testimony "is subsequently used or referred to in a public hearing."

Two Feeble New Reforms

The Javits resolution would introduce two new reforms both extraordinarily feeble. "Where practicable," says Section 5 (9), "any person named" in derogatory fashion "in a public hearing . . . who has not been previously so named, shall, within a reasonable time thereafter, be notified by a registered letter" that he has been so named, with the date and place of the hearing, the name of the person who so testified, the name of the organization with which he was identified and "a printed copy of the Rules of Procedure of the Joint Committee." He might have to wait months, however, to see the actual testimony against him. Since this covers only public hearings, the accused would probably see the news in the papers long before he got the registered letter.

The other reform recalls the lucrative magazine and lecture business Martin Dies and J. Parnell Thomas enjoyed in their time as chairmen of witch hunt committees. The Javits bill would forbid committee members or employes to write articles, deliver lectures or make any broadcast about any investigation while such investigation is in progress—"for compensation, other than necessary expenses actually incurred." They could still carry on for "expenses" alone.

Javits Accepts The Inquisition

Of such feeble stuff are the reforms compounded. The real objection to the bill lies in its fundamental grant of authority. It would give this joint committee exclusive jurisdiction "to make principal investigations of all subversive and un-American activities, movements devoted to the growth and development of communism, fascism, ultranationalism, *and similar ideologies and political ideas*, the diffusion within the United States of *subversive propaganda* or other activities instigated from foreign countries or of a domestic origin seeking changes in the form of government of the United States *by unconstitutional means* or by force, the organizations engaged therein and all other questions in relation thereto that would aid Congress in the performance of its powers under the Constitution . . ." (My italics.)

This is broad enough to enable a rightist majority to extend the inquisition into every organization and to any individual with whose views it disagreed. What is "subversive"? What is "un-American"? The bill nowhere defines them. They are undefinable. They are epithets not legal standards. To grant the right to inquire into political ideas and their dissemination, to determine which are "un-American", is to establish a new orthodoxy and support a new authoritarianism. These objectives and not the methods are the prime evil; the more polite methods of McCarran and Jenner did not keep the former from crucifying Lattimore nor the latter from slandering Marshall.

Until we recognize that Congress under the First Amendment has no more right to pillory a man for his political views than it has to question him about the Virgin Birth or the Immaculate Conception, the witch hunt will go on, with or without McCarthy.

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I. F. Stone's Weekly

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Published weekly except the last two weeks of August at Room 205, 301 E. Capitol St., S.E., Washington 3, D. C. Subscription rates: Domestic, $5 a year; Canada, Mexico and elsewhere in the Western Hemisphere, $6; England and Continental Europe, $10 by 1st class mail, $15 by air; for Israel, Asia, Australia and Africa, $10 by first class mail, $20 by air mail. Single copy, 15 cents. Tel.: LI 4-7087. Entered as Second Class mail matter, Post Office, Washington, D. C.

March 8, 1954 Vol. 2, No. 7

Round This Unsteady Globe

URGENT BULLETIN: It is terribly important to push for the appointment of an observation commission representing both sides in Korea to police the truce lines. Eisenhower does not want a resumption of the war but there are elements which do. Pentagon sources are feeding out a weird theory to favored newspapermen. Example: Constantine Brown's column in the Washington *Evening Star* last Tuesday which said the enemy may "infiltrate several thousand North Koreans in some spot close to the armistice lines, cause them to move north and then counterattack . . . claiming that Rhee had put in effect his many open threats." This poppycock could be a cover for an attack by Rhee to upset the apple cart before the Geneva conference.

IF J. EDGAR HOOVER WEREN'T A SACRED COW, Congress would be demanding his head in the wake of the shooting by Puerto Rican Nationalists. That the Nationalists must be watched by the police as terrorists has been evident from their doctrines, their attack in 1937 on the Federal Judge who convicted Pedro Albizu Campos and their attempt in 1950 to kill Truman. We are not dealing here with "subversive ideas" but with fanatics who use murder as a political weapon. Yet at a time when the FBI is busily collecting evidence on every buck contributed to Spain in 1937, has informers in every Left or liberal organization, and listens in on countless telephones, these Nationalists were able to attack a President and shoot down five Congressmen. David Lawrence and Walter Winchell say the FBI knew there was a plot to kill high officials of the government, including Eisenhower and Hoover. As we go to press the Washington *Daily News* appears with flaring headlines, "FBI GAVE DETAILS ON TERRORIST PLOT TO OVERTHROW U.S." This makes it all the stranger that this time (as in 1950) Puerto Rican terrorists were able to come here without being watched, followed or spotted until they opened fire. Where was the FBI? In the Congressional Library, reading the *Daily Worker?*

IKE'S TAX PROGRAM TO COMBAT RECESSION: "Investors and business would get 12 times as much tax relief as individuals with earned incomes . . . The average individual would get $6 in tax relief, while the average dividend recipient would get $200 . . . That is 33 times as much. But . . . less than 4 percent of the taxpayers receiving dividends get more than 75 percent of all dividends . . . less than 1 percent of all American families own 80 percent of all publicly held stock . . . This is 'trickle down' with a capital T. It outdoes anything of the 1920's . . . It will never solve the problem of 'stimulating consumers to spend more money and business men to create more jobs'."—Senator Douglas (D., Ill.) and Representative Bolling (D., Mo.) in the Joint Economic Report.

"STRENGTHENING THE FREE WORLD"—When I read about the military aid to Pakistan, I recall the acres of hovels I saw outside Karachi in the Fall of 1950 where were housed some of the millions displaced on both sides of the border by Hindu-Moslem-Sikh rioting. I think of the millions which will have to be spent by poverty-stricken Pakistan (70 percent of its budget already for military purposes) toward the upkeep and the manning of the equipment we will give them. I think of the arms race which will be intensified between Pakistan and India, and of the smoldering religous hatreds Nehru has struggled so hard to damp down. I think of our quaint theory that belief in God makes for more stable societies and that military aid will "strengthen the free world." What nation ever spent more millions with less wisdom?

WHAT IS A COMMUNIST? This is the question raised by the trial which began in Federal court here last week of Ben Gold, president of the Fur Workers. He is charged with making a false statement when he filed his non-Communist Taft-Hartley Act affidavit on August 30, 1950. Gold admitted that he had been a member of the Communist Party for 30 years. The prosecutor made it clear that the government would not try to prove that Gold ever paid dues, carried a party book or attended party meetings after the date of the affidavit. Thus the case points toward conviction not for an objectively proven fact like membership but on the basis of an alleged state of mind. The danger lies in the establishment of a precedent whereby other labor leaders and radicals who are not or never have been Communist party members may be subjected to punishment as "mental" Communists It will be a sad day for American law when the principle is established that the government may tap not only telephone wires but thought waves.

GEE WHIZ DEPT.: ". . . the startling disclosure by the immigration and naturalization service that on some days as many as 100 Latin American Communists, from as far south as Guatemala, sneak through disguised as 'wet-backs'." —Victor Risel, *N. Y. Daily Mirror*, March 1, 1954. And the inspectors just stand there and clock them as they go through?

EINSTEIN'S BIRTHDAY: His seventy-fifth will be marked by the Emergency Civil Liberties Committee with a special all-day conference on "The Meaning of Academic Freedom" next Saturday at the Nassau Tavern in Princeton. Harvey O'Connor will report at luncheon on his nationwide tour and the committee will make public Professor Einstein's replies to a series of questions. The *Weekly* ventures to send its own birthday greetings in homage to one of the greatest and rarest spirits who ever walked this earth.

Even If You Can't Read The Secrets of A Pharoah's Tomb—

And are no Egyptologist and can't decipher hieroglyphics, you can still tell from the not so esoteric symbols under your name and address whether your subscription has expired. Last week's mailing went out on new name plates. If yours is still the old one, with a January or February '54 date on it, you'll know you've forgotten to renew. Please do so now. Henry Luce can afford to send eight or ten reminders, but I can't. The expense of soliciting renewals on the usual scale is beyond the Weekly's means and will be for a good many months—at least until c.t.r. and we, too, carry advertisements for strawberries and cream. So be a pal—turn over to the next page, fill out the coupon, attach $5 and send it in. This is Vol. II, No. 7, and if you haven't renewed yet, you're already seven weeks behind. Why burden your conscience* and my budget any longer?

—I. F. Stone

*** One way to ease the pangs of remorse would be to add a gift sub for a friend. Only $4—less than the cost of a single visit to a psychoanalyst (with a guilt complex).**

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Nightmarish Loopholes for The Unsuspecting G.I.

Kafka Might Have Written The Army's Loyalty Form

In the hassle between McCarthy and the Army, no one has bothered to look up the loyalty form used in the armed services. A correspondent has sent a copy to the *Weekly*. The "Loyalty Certificate" (DD 1 Apr 50 98) is divided into two parts, one covering "conduct", the other "associations."

The instructions warn that "concealment of . . . or failure to divulge in full, conduct or associations of the character set forth" may be grounds for court martial or civil prosecution. "Consequently," they advise "you must read the following provisions carefully and be sure you understand them."

This is not easy. The form might have been drafted by Franz Kafka. It contains a nightmarish loophole. This says "Conduct which may be considered as establishing reasonable grounds for invoking appropriate penalties shall include, *but is not limited to*, the following . . ." Similarly the form says "associations . . . include *but are not limited to* membership in, affiliation, or sympathetic association with, any . . . association, movement or group . . . having the following characteristics."

The Soldier Needs A Crystal Ball

This phrase, "but not being limited to", makes a blank check of the certification. Who knows for what other conduct or associations the signer may later be held liable? With most documents, it is advisable to see a lawyer. This one calls for a clairvoyant. The final provision adds a touch of wit. "I understand," it says, "the meaning of the statements made in the certifications above." It may be doubted whether the Judge Advocate General himself could sign that honestly.

Even without this legal beartrap, the wording is hazardous. It seems at one point to revive the old common law of constructive treason. One provision covers "writings and acts which can reasonably be considered as intended to encourage seditious or treasonable opinions . . ." This recalls the crime of "imagining" the death of the King.

Another provision proscribes "advocacy of revolution *or* of force or violence to bring about economic, political or social change." This would seem to cover non-violent changes which are "revolutionary" only in the metaphorical sense. Provision (d) also contains an innovation. It refers to unauthorized disclosure, "under circumstances which may indicate disloyalty", of information "of a classified *or nonpublic* character." What kind of information is not secret but "non-public"? Anything which might embarrass some commanding general?

The final conduct provision is a dragnet. It specifies "Acting, attempting to act, *or knowingly failing to act* when such conduct is calculated to serve the interests of another government." One has only to look at the controversy raging over Mr. Dulles's conduct at Berlin to see how impossible a standard this is.

Force, Violence or Intimidation

At the Pentagon I was told that a Form 98 A is supposed to be appended. This names the organizations listed by the Attorney General. But the proscribed organizations are "not limited to" these. The loyalty form covers any organization which can be regarded "as seeking to alter the form of government of the United States by unconstitutional means regardless of practice, advocacy or non-advocacy" of "force, violence *or intimidation.*" Our italics underscore another Army innovation—adding "intimidation" to "force and violence." This is broad enough to cover McCarthy, Cohn and Schine. And what are "unconstitutional means" in the absence of "force, violence or intimidation?"

Many lawyers will agree that those like Major Peress who pleaded the Fifth amendment rather than fill this out were well advised. The form naively says that those who invoke the Fifth amendment are required to describe "the specific part of any conduct, membership, or association about which claim is made." If taken literally this would require the soldier to reveal what he was trying to keep from disclosing.

Our correspondent writes that at one induction center soldiers were lined up to sign this form *en masse*. When one soldier said he would like to study the form before signing it, he was ordered to sign and given an extra copy to study at his leisure. A Pentagon press officer assured me this could not have happened in the Army.

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